

**Remarks**

Applicants have carefully reviewed the application in light of the Office Action dated July 14, 2003. At the time of the Office Action, Claims 7-10 and 16-36 were pending in the application. Applicants respectfully request reconsideration of all pending claims.

The Office Action rejects Claims 7-10 and 16-18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,699,523 to Li *et al.* (hereinafter “*Li*”) in view of U.S. Patent No. 5,231,633 to Hluchyj (hereinafter “*Hluchyj*”). The Office Action rejects Claims 19-36 under 35 U.S.C. § 103(a) as being unpatentable over *Li* in view of *Hluchyj* and further in view of U.S. Patent No. 5,179,708 to Gyllstrom *et al.* (hereinafter “*Gyllstrom*”).

Applicants respectfully traverse these rejections and the assertions and holdings therein. For example, the Office Action incorrectly asserts that *Hluchyj* teaches “reading the priority level (2 bits in the header of each fast packet that indicates a discard priority) of the message at the server; determining at the server a current client rotation of the client (the data/voice packets are classified into discard priorities and put into priority queues); and inserting the message into the messaging queue (enqueueing fast packets using header information to the appropriate queue) by the server in response to the priority level and the client rotation position of the client.” Office Action at 3.

First, *Hluchyj* teaches that packets are prioritized, discarded, put in queues, multiplexed, and then transmitted at an internodal trunk – in contrast to “inserting the message into a message queue for processing by the server” as recited in amended Claim 7. *See Hluchyj*, 1:6-12; *id.* at 4:26-27; *id.* at 5:38-42; *see also* Office Action at 7. In other words, *Hluchyj* teaches that after enqueueing/dequeueing at an intermediate node, the packets are transmitted along the internodal trunk to the appropriate recipient for subsequent processing. *See, e.g., Hluchyj*, FIG. 2, 4, and 5. Indeed, *Hluchyj* teaches that the disclosed technique attempts to solve bandwidth problems for multiple traffic types for transmission along a network trunk. *See Hluchyj*, 4:14-17. *Gyllstrom* teaches similar transmission to the “destination” or “recipient” process by the message-delivery function, which determines the message priority. *See Gyllstrom*, Abstract; *id.*, Title, *id.*, FIG. 4; *id.*, FIG. 5; *see also* Office Action at 5. In short, *Li*, *Hluchyj*, and/or *Gyllstrom* fails to teach suggest, or disclose “sending a message having a priority level from the client to the server ... and inserting the message into a message queue for processing by the server in response to the priority level

and the current client rotation position of the client” as recited in amended independent Claim 7.

Second, Applicants respectfully reassert that neither *Li* nor *Hluchyj*, whether alone or in combination, teach, suggest, or disclose “determining at the server a current client rotation position of the client” as recited, in part, in Claim 7. The Office Action agrees that *Li* fails to teach such a limitation, but alleges that *Hluchyj* accounts for this deficiency. For support, the Office Action alleges that “the language of the limitation ... can be given broad and reasonable interpreted [*sic*] in light of the specification.” Office Action at 6. Yet Applicants respectfully point out that “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art” according to MPEP §2143.03. Applicants respectfully submit that the Office Action is effectively disregarding “a current client rotation position of the client” without cited support from the current Application for such an interpretation and in contrast to the language of Claim 7. Accordingly, it is improper to equate the “current client rotation position of the client” with the traffic type of individual packets in *Hluchyj*. In short (as argued in the previous Response), *Hluchyj* appears to teach that each packet is queued based on a traffic type of the packet, not “a current client rotation position of the client” as recited, in part, in independent Claim 7 and in light of the specification.<sup>1</sup>

For analogous reasons, Applicants respectfully assert that *Li*, *Hluchyj*, and/or *Gyllstrom* fail to teach various limitations of independent Claims 16, 24, and 32. For at least these reasons, Applicants respectfully request allowance of Claims 7-10, 16-18, and 19-36.

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<sup>1</sup> Applicants further assert that nowhere does *Hluchyj* appear to discuss referencing the sending node, source, or client to determine placement in the weighted round robin (WRR). Indeed, the source of the packets in *Hluchyj* appears to be irrelevant – each embodiment appears to queue packets in the WRR based on the traffic type. *Hluchyj* fails to teach, suggest, or disclose “a current client rotation position of the client” as recited in Claim 7.

**Conclusion**

Applicants have now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of Claims 7-10 and 16-36.

Attached herewith is a check in the amount of \$770.00 made payable to the "Commissioner of Patents and Trademarks" to satisfy the request for continued examination fee of 37 CFR 1.117(e). Applicants also submit a check in the amount of \$950.00 to cover the three (3) month Extension of Time fee. Although Applicants believe that no other fees are due, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Moreover, if the present application is not allowed and/or if one or more of the rejections is maintained, Applicants hereby request a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

Respectfully submitted,

BAKER BOTTS L.L.P.  
Attorneys for Applicants

A handwritten signature in black ink, appearing to read 'TH R II', is written over a horizontal line.

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